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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/375,767	08/17/1999	DAVID P. SCHNEIDER	DPS*1	5564

7590 05/12/2003

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EXAMINER

LEVY, NEIL S

ART UNIT

PAPER NUMBER

1616

DATE MAILED: 05/12/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE**  
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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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15

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

Receipt is acknowledged of amendment and substitute specification of 12/30/02.

The reply filed on 12/30/02 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the amendment and substitute specification have not been entered.

The second paragraph of the amendment asks that any previous amendments be cancelled. We cannot. Previous amendments include that of 6/21/01, none of which was entered, and 3/02/01, entered in part. The entered parts are as requested at pages 2, 3, and top of page 4 of the 3/02 amendment, requesting amendment to page 3 of the originally filed specification. The request to amend page 4 of the specification was not entered until line 11 of page 4, with deletion and insertions requested at page 7, starting at the 6<sup>th</sup> line with "page 4, line: delete ~~~~ through instruction ending at page 9. The specification thus, prior to applicants submission of 12/30/02, now includes these changes, and all future (12/30/02) amendments must be from this amended specification. As to the claims, the requested new claims were added as written, since new claims do not need to be underlined. Claim 25 through 45 were entered, and examined to the extent indicated- They appeared to be new matter, and were so rejected. Claims 1 to 11 had been cancelled correctly (page 10 of amendment of 3/02/01 at the section IN THE CLAIMS states "please cancel 1-11- please add claims 25-45."

Claims 12-24 had been withdrawn by examiner, and were not addressed.

Art Unit: 1616

The current (12/30/02) amendment requests cancellation of all amendments. We can not- applicant must amend by requesting deletion by showing bracketed portions of claims and specification and by adding underlined portion of claims and specification, indicating "amended" or "twice amended, etc." at claims, and by rewriting the desired amended complete paragraph of the specification. Note the specification now reflects that amended by the 3/02/01 amendment. Applicant had not stated "cancel claim 12-24"; it is not clear if brackets were intended to replace the instruction to cancel. It is not clear if the underlined material differs from claims 25-45 now in the case. It is not clear if the substitute specification applicant is attempting to enter, unrequested by examiner, incorporates the changes entered by the 3/02/01 amendment. It is unclear whether or not new matter is still present, and whether or not additional new matter has been entered. Although applicant states elaboration was made, and constitutes no new matter, the elaboration and rate controlling elements do constitute new matter, as does the added chemicals and proportions; this material is not evident as present at the originally filed specification, and would seem to constitute new matter, appropriately the subject matter of a continuation in part. If so, the new matter, as opposed arguably, to background information, and the original specification, would be afforded the new filing date. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Art Unit: 1616

It is noted applicant argues for an embodiment not in the prior art. Applicant must use appropriate amendment formats; as in the MPEP, section 714 or obtain services of an agent, attorney; see below.

An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

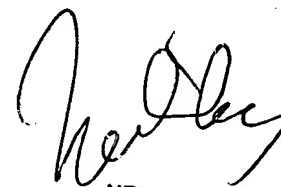
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil Levy whose telephone number is 308-2412. The examiner can normally be reached on Tuesday-Friday from 7:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jose Dees, can be reached on (703) 308-4628. The fax phone number for the organization where this application or proceeding is assigned is 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1235.

Levy/tgd

April 8, 2003

  
NEIL S. LEVY  
PRIMARY EXAMINER